CHAPTER clxvi.

An Act to authorise the Corporation of the County Borough of Blackburn to acquire the undertaking of the Blackburn Corporation Tramways Company Limited to construct new Tramways in the Borough to improve and work the undertaking to partially consolidate the redeemable debt and mortgages of the Corporation to consolidate and apply sinking funds to repeal borrowing powers to borrow money and for other purposes. A.D. 1898.

[25th July 1898.]

WHEREAS the mayor aldermen and burgesses of the county borough of Blackburn (in this Act called "the Corporation") are owners of various tramway lines within and near the borough of Blackburn authorised by the Blackburn Improvement Act 1882 and the Blackburn Corporation Tramways Acts 1887 and 1888 respectively: 45 & 46 Vict. c. ccxliii. 50 Vict. (sess. 2) c. xliv. 51 Vict. c. xi.

And whereas those tramway lines were and are leased to the Blackburn Corporation Tramways Company Limited (in this Act called "the company") by lease dated the first day of June one thousand eight hundred and ninety-one which lease expires on the twenty-fourth day of June one thousand nine hundred and eight:

And whereas by an agreement made the fifth day of August one thousand eight hundred and ninety-seven between the company and the Corporation the company have agreed to sell and the Corporation have agreed to purchase the undertaking of the company and it is expedient that the said agreement should be carried into effect:

And whereas it is expedient that the Corporation should be authorised to construct the additional tramways by this Act authorised:

And whereas it is expedient that the tramway service in the borough should be improved and that new methods of traction on

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the tramways within the borough should be adopted and that all or some of the existing lines should be reconstructed for the purposes of such adoption:

And whereas it is expedient to confer on the Corporation the powers in this Act contained for working tramways and for reconstructing the said tramway lines or some of them:

And whereas the Corporation are the undertakers for supplying electric power or energy within the borough and it is expedient that the Corporation should be authorised to use electric or other mechanical power on the tramways acquired and by this Act authorised to be constructed by them:

And whereas it is expedient that further powers should be granted to the Corporation and provisions made with reference to the consolidation of the redeemable debt and mortgages of the Corporation equation and consolidation of sinking funds except as regards the waterworks department evidence to be given on the death of water annuitants repayment of loans deposit of Corporation stock certificates and mortgages as securities for debts disconnexion of gas meters advertisement hoardings building plans:

And whereas it is expedient that the date for closing the financial year in respect of the electric lighting accounts of the Corporation should be altered:

40 & 41 Vict. c. cxv. 48 Vict. c. xix.

And whereas it is expedient that the time limited by the Blackburn Improvement Act 1877 as extended by the Blackburn Water Act 1885 for construction of the Brennand Reservoir and the Whitendale Reservoir should be extended:

And whereas it is expedient that the Corporation should be authorised to construct the additional sewers and new streets and street improvements by this Act authorised and to pave with wood the streets named in the Second Schedule to this Act:

45 & 46 Vict. c. ccxliii.

And whereas it is expedient that the provisions of the Blackburn Improvement Act 1882 as regards the height of chimneys and the construction of privies and cesspools should be amended:

And whereas it is expedient that the borrowing powers of the Corporation mentioned in this Act should be repealed and that the Corporation should be authorised to raise further money by borrowing for the purposes of this Act and for other purposes as in this Act set forth:

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and also a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of

the lands which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1898.

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Act authorised and for other purposes and such estimates are as follows :—

	£
For new municipal offices and alterations to town hall	12,000
For new street and street improvements new bridges and alterations to existing bridges including the purchase of the necessary lands - - -	35,000
For the purchase of the tramways from and payment of the existing debenture debt of the company -	87,000
For construction of additional tramways and equipment and providing system of electric traction for existing and additional tramways - - -	100,000
For works for sewering - - - -	10,000
For works for sewage disposal - - -	50,000
For purchasing and laying out recreation grounds -	12,000
For permanent wood pavement in the streets set forth in the Second Schedule to this Act - -	12,400

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-eighth day of October one thousand eight hundred and ninety-seven after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Blackburn Times a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for the Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the Blackburn Times a newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the council at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand eight hundred and

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ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Blackburn Corporation (Tramways &c.) Act 1898.

Act divided into parts.

2. This Act is divided into parts as follows (that is to say) :—

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Sewers.
Part IV.—New street and street improvements.
Part V.—Lands.
Part VI.—Miscellaneous.
Part VII.—Financial and borrowing powers.

Limits of Act.

3. This Act except where otherwise expressly provided shall apply exclusively to the borough.

Incorporation of Acts.

4. The following Acts and parts of Acts (that is to say) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable to the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Act to be executed by council.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

Interpretation.

6. In this Act unless the subject or context otherwise requires—

"The borough" means the county borough of Blackburn;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the town council of the borough;

"The town clerk" "the treasurer" "the surveyor" and "the gas engineer" respectively mean the town clerk the treasurer the surveyor or the gas engineer of the borough;

"The town hall" means the town hall of the borough;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough;

"District fund" and "general district rate" mean respectively the general district fund and the general district rate of the borough;

"The undertaking" means the whole undertaking of the company including the tramways and all other businesses carried on by the company with all the interests powers rights and privileges of the company under their existing lease and under the Acts relating to or affecting the undertaking as well as all tramway lines belonging to or leased to the company and all the buildings lands plant horses rolling stock moneys fixtures stock in trade assets book and other debts belonging to due and owing to the company and all other property of every description including things in action vested in or belonging to or due or owing to or standing to the credit of the company and the benefit of all contracts and engagements entered into by the company as the same shall stand on the date of transfer herein-after mentioned;

"The tramway undertaking" includes the undertaking and the tramways by this Act authorised or any part thereof and any tramway or tramways upon or over which the Corporation are entitled to grant licences to run carriages with flanged wheels or wheels suitable only to run on the rails prescribed by this Act and shall also include the tramways of the Blackburn and Over Darwen Tramways Company as to so much of such tramways as are within the borough of Blackburn after such portion has been acquired by the Corporation and as to so much of such tramways as are within the borough of Darwen after such last-mentioned portion has been acquired by the mayor aldermen and burgesses of Darwen but in neither case until after the expiration of any lease granted to the Blackburn and Over Darwen Tramways Company pursuant to the provisions of section 61 of the Blackburn and Over Darwen Tramways Act 1879;

"The tramways" mean the tramways by this Act authorised or any part thereof;

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"Tramway revenue" means all revenue of the tramway undertaking including the income if any arising from the investment of any reserve fund or renewal fund created under the provisions of this Act;

"Mechanical power" includes steam electric and every other motive power not being animal power;

"Engine" includes motor;

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part over or above any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street and includes all and every part of any such post pole standard framework or other support The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in part for the purpose of any advertisement or announcement or over or above any building structure or erection of any kind or on or over any street but shall not include (1) any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement (2) any sign on any board frame or other contrivance securely fixed to or upon the top of any wall or parapet of any building or the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported (3) any such word letter model sign device signal or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and which is also so placed that it will not fall into any street or public place;

"The Public Health Act" means the Public Health Act 1875 and any Act amending the same;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same or otherwise relating to municipal corporations in England;

"The Act of 1877" "the Act of 1882" "the Act of 1885" "the Act of 1887" "the Act of 1888" and "the Act of

1892" mean respectively the Blackburn Borough Gas Water and Extension Act 1877 and the Blackburn Improvement Act 1882 the Blackburn Water Act 1885 the Blackburn Corporation Tramways Acts 1887 and 1888 and the Blackburn Corporation Act 1892;

"The Order of 1889" means the Blackburn Provisional Order of 1889 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1889;

"The Order of 1890" means the Blackburn Provisional Order of 1890 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890;

"The Order of 1894" means the Blackburn Provisional Order of 1894 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1894 and "the Order of 1897" means the Blackburn Provisional Order of 1897 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 18) Act 1897;

"Local Acts" means the unrepealed portions of the Acts set forth in Part I. of the First Schedule to the Act of 1882 and the Acts of 1882 1885 1887 1888 and 1892 and the Orders of 1889 1890 1894 and 1897;

"Carriage" means any vehicle used for the conveyance of persons or goods;

Words to which meanings are assigned in enactments incorporated with this Act or in the local Acts respectively or which have in those Acts respectively special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART II.—TRAMWAYS.

Purchase of undertaking by Corporation.

7.—(1.) The company shall sell and the Corporation shall purchase the undertaking for the sum of seventy-seven thousand two hundred and ten pounds which sum shall be distributed among the shareholders of the company as herein-after in this Act provided.

(2.) The purchase shall take effect and be completed at the end of one calendar month from the passing of this Act and on that date the undertaking shall be handed over by the company to the Corporation properly maintained and in a proper state of repair to the reasonable satisfaction of the surveyor and

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on and from that day the undertaking shall be by virtue of this Act without any conveyance or other instrument transferred to and vested in the Corporation subject and according to the provisions of this Act (which transfer and vesting is in this Act referred to as "the transfer") and thenceforth the Corporation in their own name and for their own benefit shall be entitled to the possession of and shall have and hold the undertaking and be entitled to work and carry on the same.

Provisions incidental to the transfer.

8.—(1.) The company shall manage and maintain the undertaking up to and including the transfer and shall be entitled to pay to their shareholders out of the undivided profits of the company the following dividends free from income tax upon the amount of the capital of the company called up on the first day of July one thousand eight hundred and ninety-seven as shown by the books of the company on that date (namely):—

To the preference shareholders a dividend at the rate of six per centum per annum on the amount of the preference shares held by them respectively;

To the holders of ordinary shares a dividend at the rate of four per centum per annum on the amount of the ordinary shares held by them respectively:

Such dividends to be respectively computed from the first day of July one thousand eight hundred and ninety-seven up to the day fixed for the completion of the purchase Provided always that if the purchase be not completed on that day from any cause other than the default of the company the Corporation shall pay such dividends as aforesaid up to the day on which the purchase money shall be distributed as herein-after provided.

(2.) All receipts of the company which have not been applied in payment of ordinary working or other expenses of the company (including interest on debentures) from the first day of July one thousand eight hundred and ninety-seven shall subject to the payment of the said dividends and to the provisions herein-after contained as to payment of debentures falling due on the thirty-first day of December one thousand eight hundred and ninety-eight belong to the Corporation.

(3.) The assets of the company to be transferred to and taken over by the Corporation shall include besides the matters and things herein-before enumerated all sums standing to the credit of the company at the date fixed for completion of the purchase on suspense accounts or as reserve funds or for any purpose whatsoever.

(4.) The Corporation shall be liable to and shall pay and discharge all debts and liabilities which the company may be subject to on the day fixed for the completion of the purchase and shall exonerate and indemnify the company from and against all claims and demands in respect thereof Provided nevertheless that the Corporation shall not be liable to pay or discharge any debts or liabilities incurred by the company subsequently to the fifth day of August one thousand eight hundred and ninety-seven beyond such as are reasonably necessary for the ordinary carrying on of the undertaking and maintenance of the said tramway lines and plant of the undertaking unless such debts and liabilities shall have been incurred with the consent of the Corporation in writing under the hand of the town clerk.

(5.) In the event of the purchase not being completed until after the thirty-first day of December one thousand eight hundred and ninety-eight the company shall be entitled to pay and discharge the debentures issued by the company falling due on that date and for that purpose may resort to appropriate and use any fund then standing to the credit of the Corporation under subsection (2) of this section and may raise or borrow such sum or sums as may be necessary to make up any deficiency required for payment and discharge of such last-mentioned debentures in such manner and on such terms as may be found expedient.

Directors to continue to act in management of undertaking.

9. Each of the present directors of the company (that is to say) Robert Angus Jackson William Beesley Joseph Newton Luke Margerison and Henry Whalley shall for a period of five years from the transfer (if he shall so long live and not be incapacitated) continue to act in the management of the undertaking and carry on the same on behalf of the Corporation in conjunction with such committee or members of the council as the council may from time to time appoint but with regard only to such matters as the Corporation may reasonably require and shall not during such period of five years engage in any business or directly or indirectly promote or participate (either as promoter director shareholder or officer) in any company firm or business within the borough directly or indirectly competing with the tramway undertaking in any tramway omnibus or other system of public conveyance other than hackney carriages private carriages or private coaches Provided that nothing herein contained shall preclude any such director from being interested as a director shareholder or otherwise in any railway company owning omnibuses and in consideration thereof the Corporation shall pay to the

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said directors of the company at or before the completion of the purchase the following sums respectively (namely) :—

	£
Robert Angus Jackson - - -	520
William Beesley - - - -	330
Joseph Newton - - - -	330
Luke Margerison - - - -	330
Henry Whalley - - - -	330

As to secretary and manager of Company.

10. The secretary and manager of the company or either of them who on the date fixed for the completion of the purchase shall be in the employment of the company shall be taken over by the Corporation on the terms as to position emolument and dismissal upon which the secretary and manager of the company were employed by the company on the first day of July one thousand eight hundred and ninety-seven if within one month after the transfer they or either of them shall signify in writing to the Corporation their or his desire to enter into the service of the Corporation.

Books of company.

11. All books and other documents necessary for the conduct of the business of the company shall on the transfer be transferred to the Corporation but not any books or other documents which are no longer useful or reasonably necessary for the purposes of the Corporation as owners of the undertaking Any difference as to the custody of any books or documents belonging to the company shall be settled by some person to be nominated in that behalf by the Board of Trade.

Transfer of Company's powers to Corporation.

12. From and after the transfer all the powers rights privileges authorities duties and obligations of the company or of any lessee or lessees of the Corporation under the Act of 1882 including the right to demand and take tolls so far as the same are applicable to the working of the tramways and are not inconsistent with the provisions of this Act shall by virtue of this Act be transferred to vested in and imposed on the Corporation.

Byelaws and regulations of Company continued.

13. Notwithstanding the transfer all byelaws and regulations made by the company and in force at the passing of this Act shall continue in force and may be enforced by the Corporation until new byelaws and regulations are made by them.

Saving for actions &c. by or against Company.

14. If at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason

of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed.

Saving for contracts &c. of Company.

15. All agreements contracts conveyances deeds purchases and sales entered into or made and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Distribution of purchase money amongst shareholders.

16. The Corporation shall subject as herein-after provided as regards persons who cannot be found or persons under disability on or before the completion of the purchase distribute the purchase money among the shareholders of the company rateably according to their respective holdings in manner following (that is to say) :—

As to the sum of twenty-three thousand two hundred and ten pounds among the holders of the preference shares in the company ;

As to the sum of fifty-four thousand pounds among the holders of ordinary shares in the company :

And the company shall for the purpose of enabling the Corporation to make such distribution hand over to the Corporation their register of members immediately the same is closed in manner provided by the section of this Act of which the marginal note is "Company's books evidence as to shareholders" and the company shall by their officers and servants render to the Corporation such assistance as may be reasonably required in connexion with the preparation for such distribution.

For the purpose of carrying out the aforesaid distribution it shall be sufficient for the Corporation if they think fit to send a cheque for the amount payable to any person or persons in manner in which notices may be served on the shareholders of the company under sections 136 and 137 of the Companies Clauses Consolidation Act 1845.

Receipts in cases of persons not sui juris.

17. If any money is payable to any member of the company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge for the same.

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Company's books evidence as to shareholders.

18.—(1.) The several persons who at the time of the closing of the register of transfers as herein-after prescribed appear on the share register of the Company to be proprietors of shares in the capital of the company or their respective executors administrators or assigns shall be deemed to be the shareholders thereof entitled to participate in the distribution of the purchase money in manner herein-before provided and in any dividend that may be paid by the company after such closing of the register of transfers.

(2.) The register of transfers of the company shall be closed for a period of twenty-one days previous to the date fixed for completion of the purchase.

Payment into court when persons entitled to money cannot be found.

19. Where the Corporation are for three months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money is payable or where any part thereof is payable to a person whose committee cannot give an effectual receipt for the same the Corporation may pay the same into the Supreme Court the Court of Chancery of the county palatine of Lancaster or into the Blackburn county court under any Act for the time being in force for the relief of trustees.

Dissolution of company.

20. Upon the transfer of the undertaking to the Corporation the company shall by virtue of this Act be dissolved.

Power to make tramways.

21. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith :

The tramways herein-before referred to and authorised by this Act will be of the gauge of four feet Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramway undertaking but no carriage or engine used on the tramway undertaking shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Board of Trade :

The following are the tramways (that is to say) :—

Tramway No. 1 1 mile 1 furlong 3·18 chains in length of which 7 furlongs 4·70 chains is single line and 1 furlong 8·48 chains is double line wholly in the township of Blackburn in the

parish of Blackburn commencing at the junction of the existing tramway at Billinge End Preston New Road and terminating at Four Lane Ends:

Tramway No. 2 4 furlongs 9·50 chains in length of which 3 furlongs 9·84 chains is single line and 9·66 chains is double line wholly in the said township of Blackburn commencing by a junction with the existing tramway in Cemetery Road and terminating near the Old Toll Bar House at Brownhill Whalley New Road:

Tramway No. 3 4 furlongs 7·42 chains in length of which 3 furlongs 2·96 chains is single line and 1 furlong 4·46 chains is double line wholly in the said township of Blackburn commencing by a junction with the existing tramway at Copy Nook and terminating at Queens Park:

Tramway No. 4 3 furlongs 2·57 chains in length of which 2 furlongs 3·24 chains is single line and 9·33 chains is double line wholly in the said township of Blackburn commencing by a junction with the existing tramway at Griffin Inn and terminating opposite Spring Lane Preston Old Road:

Tramway No. 5 1 mile 3 furlongs 8·63 chains in length of which 1 mile 1 furlong 2·32 chains is single line and 2 furlongs 6·31 chains is double line wholly in the said township of Blackburn commencing by a junction with the existing tramway at Mill Lane and terminating at the junction of the existing tramway in Accrington Road near the Fountain Inn:

Tramway No. 6 1 furlong 7·04 chains in length of which 1 furlong 1·04 chain is single line and 6 chains is double line wholly in the said township of Blackburn commencing by a junction with the existing tramway at Preston New Road and terminating in Ainsworth Street at the junction of the existing tramway:

Tramway No. 7 4·30 chains in length of which 1·80 chain is single line and 2·50 chains is double line wholly in the said township of Blackburn commencing by a junction with the existing tramway at High Street and terminating at a point near the railway station in Railway Road.

Period for completion of tramways.

22. If the tramways be not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as is then completed.

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Tramways not to be opened until certified by Board of Trade.

23. No part of the tramways shall be opened for public traffic until the same has been inspected by an officer of the Board of Trade and certified under the hand of a secretary or an assistant secretary of the said Board to be fit for such traffic.

As to rails of tramways.

24. The rails of the tramways shall be such as the Board of Trade approve.

Further provision as to construction of tramways.

25. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Power to alter level of rails.

26. The Corporation shall from time to time alter and maintain the level of the rails of any of the tramways so that they shall correspond with the level of the street wherein such tramway is laid.

Passing places to be constructed where less than a certain width left between footway and tramway.

27. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall and they are hereby required to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

28. The Corporation may subject to the provisions of this Act with the consent of the local authority and road authority make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Corporation Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside

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of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Temporary tramways may be made where necessary.

29. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

30. Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Tramways to form part of Corporation tramway undertaking.

31. Subject to the provisions of this Act the tramways shall form part of the tramway undertaking and the Corporation may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to the tramway undertaking or any part thereof.

Power to work the undertaking and new tramways.

32. Notwithstanding anything to the contrary contained in the Tramways Act 1870 or any other Act or Order the Corporation may place and run carriages on and may demand and take tolls and charges in respect of the tramway undertaking and may provide all such stables buildings horses cars rolling stock engines machinery steam cable electric and other plant apparatus and appliances as may be requisite or convenient for the working or user of the tramway undertaking by animal or mechanical power and may sell and dispose of or exchange such of the before-mentioned articles as may from time to time be no longer required.

Tolls.

33. Sections 78 79 80 and 89 of the Act of 1882 which relate to tolls and charges shall apply to the working of the tramway undertaking by the Corporation as if they were re-enacted

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in this Act with the substitution of the Corporation for the lessees of the Corporation.

Prohibiting increased fares on Sundays or bank holidays.

34. It shall not be lawful for the Corporation or company or person using the tramway undertaking to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Regulations.

35. The regulations authorised by section 46 of the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Conveyance of mails.

36. Notwithstanding any provision in any Act relating to any tramway by this Act transferred to the Corporation the Conveyance of Mails Act 1893 shall extend and apply to any such tramway as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working any such tramway.

Repeal of portions of Acts of 1882 and 1887 relating to use of mechanical power.

37. Sections fifty-nine (Carriages may be moved by steam or mechanical power) sixty (Penalty for using steam or mechanical power contrary to Act or regulations) sixty-one (Byelaws) sixty-two (Recovery of penalties) sixty-three (Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority) sixty-four (Orders and byelaws) sixty-five (As to contracts with road authorities where steam or mechanical power is to be used) sixty-six (Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time) eighty-one (As to use of steam or mechanical power by lessees) of the Act of 1882 and section six (Provisions for protection of the Postmaster-General) of the Act of 1887 are hereby repealed.

Provisions as to motive power.

38. The carriages used on the tramway undertaking or any part thereof may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

(1.) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2.) The Board of Trade shall make regulations (in this Act referred to as " the Board of Trade regulations ") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramway undertaking and for regulating the use of electric power :

(3.) The Corporation or any company or person using any mechanical power on the tramway undertaking contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4.) The Board of Trade if they are of opinion—

(*a*) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(*b*) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Power to generate electricity.

39.—(1.) For the purposes of working the tramway undertaking or any part thereof the Corporation may erect construct maintain or use dynamos and other electrical apparatus steam engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any street road or place posts electric conductors wires apparatus subways tunnels cables tubes and openings.

(2.) For the purposes of working the tramway undertaking or any part thereof the Corporation may subject to the provisions of section 70 of the Blackburn Electric Lighting Order 1890 also use the existing electrical generating station and works of the Corporation and the lands belonging to the Corporation used or intended to be used therewith (namely) :—

The generating station of the Corporation situate in George Street and Bridge Street adjoining the gasworks of the Corporation in Jubilee Street and bounded on the north by the gasworks on the south by George Street on the east by the River Blakewater and on the west by the back road between George Street and Jubilee Street :

And on such lands and not elsewhere the Corporation may erect maintain and use the existing or such further engines dynamos

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machinery generating plant buildings works and apparatus as may be necessary or expedient for carrying into effect the objects of this Act.

Provisions as to use of electric power.

40. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1.) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2.) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the tramway undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3.) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospect of the tramway undertaking :

(4.) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(5.) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties

otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(6.) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(7.) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

Byelaws.

41. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramway undertaking ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramway undertaking and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramway undertaking by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of the Act shall be liable to a penalty not exceeding forty shillings.

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Recovery of penalties.

42. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Amendment of Tramways Act 1870 as to byelaws by local authority.

43. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway undertaking shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which engines are to be driven or propelled on the tramway undertaking under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

44. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

For protection of Postmaster-General.

45. In the event of the tramway undertaking or any part thereof being worked by electricity the following provisions shall have effect :—

(1.) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the tramway undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their electric lines or other works or work the tramway undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramway undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the

Postmaster-General as may be necessary to remedy such injurious affection : A.D. 1898.

(3.)—(A.) Before any electric line is laid down or any act or work for working any tramways of the Corporation by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B.) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

(4.) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5.) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any

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manner affected by such act or work or by any use made of such work :

(7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :

(11.) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation :

(12.) The provisions of this section shall so far as the working of the tramway undertaking or any part thereof by electricity is concerned be in substitution for the provisions of section 10 (Notice of works with plan to be served on the Postmaster-General) of the Blackburn Electric Lighting Order 1890 and the provisions of that Order shall not apply to the supply of electricity for working the tramway undertaking or any part thereof.

Power to repair and reconstruct tramways.

46. Subject to the provisions of this Act the Corporation may repair alter and reconstruct the tramway undertaking or any part thereof as they may see fit and may construct erect lay down and maintain in over or under the surface of any street all such works as may be necessary or expedient for the purpose of adapting the tramway undertaking or any part thereof to the use of electric or other mechanical power.

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Application of revenue of undertaking.

47. The tramway revenue shall be applied—

(1.) In maintaining the tramway undertaking and so much of the street in which the same is laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870;

(2.) In paying all working and other expenses in connexion with the tramway undertaking properly chargeable to revenue;

(3.) In providing the interest on any money raised or borrowed by the Corporation under the powers of this Act together with the amount necessary to be paid into a sinking fund or redemption fund to provide for the repayment of the money so borrowed;

(4.) The surplus if any after providing for such payments as aforesaid may be transferred by the Corporation if they think fit to a reserve fund or renewal fund for the purposes of the tramway undertaking or into a suspense account or in extending and developing the tramway undertaking or in increasing the amount required to be paid into any sinking fund or redemption fund in respect of money borrowed by the Corporation for tramway purposes but subject as hereinafter mentioned no part of the surplus shall be paid to the credit of any rate until a reserve fund of at least ten thousand pounds shall have been provided Provided that if and whenever there shall be remaining in the hands of the Corporation after payment of the charges herein-before provided for any surplus on account of tramway revenue such surplus shall be carried to the credit of the general district fund and such reserve fund or renewal fund may be invested by the Corporation in any security authorised by this Act for the investment of sinking funds and reserve funds;

(5.) In case the tramway revenue shall be insufficient to meet the charges upon it the deficiency may be provided by the Corporation out of the general district rate provided that the amount so paid out of the general district rate may be replaced out of any future surplus as and when the Corporation may think fit.

Extending s. 59 of Blackburn and Over Darwen Tramways Act 1879 and s. 96 of Act of 1882.

48. The provisions of section 59 of the Blackburn and Over Darwen Tramways Act 1879 (As to corporations of Blackburn and Over Darwen) and section 96 of the Act of 1882 (Extending provisions of section 59 of the Blackburn and Over Darwen Tramways Act 1879) shall as from the passing of this Act and subject to the provisions of those sections respectively be read

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and have effect so as to authorise the Corporation as well as any licencees of the Corporation to run carriages with flanged wheels over and upon the tramways by the Blackburn and Over Darwen Tramways Act 1879 authorised having a physical junction with any tramways or tramway of the Corporation and the reciprocal powers granted to the Blackburn and Over Darwen Tramways Company by the said sections or either of them for running carriages with flanged wheels over tramways within the borough shall if and whenever the Corporation shall exercise the powers hereby extended to them apply to and be exerciseable by the company.

Extending s. 53 of Act of 1882.

49. The provisions of section 53 (Enabling Corporation to grant licences over certain tramways having physical junction with tramways authorised by this Act) of the Act of 1882 shall from the passing of this Act be read and have effect so as to authorise the Corporation as well as any licencees of the Corporation to run carriages with flanged wheels over and upon any tramway belonging to the Accrington Corporation having a physical junction with any tramway belonging to the Corporation or over which the Corporation shall have the right to run carriages and in the event of the Accrington Corporation at any time hereafter obtaining powers to work and working any tramway within the borough of Accrington having a physical junction with any tramway belonging to and worked by the Corporation so as to authorise the Accrington Corporation to run their carriages over and upon any such last-mentioned tramway and the provisions of the said section as to the exercise by the licencees of the Corporation and the Accrington Corporation of the powers thereby conferred respectively shall in either of the events in this section provided for apply to the Corporation and the Corporation of Accrington respectively.

For protection of Darwen Corporation.

50. For the protection of the mayor aldermen and burgesses of the borough of Darwen (in this Act called "the Darwen Corporation") the following provisions shall have effect (that is to say):—

(1.) The provisions contained in the sections of this Act of which the marginal notes are—

Power to work the undertaking and new tramways;
Tolls;
Regulations;
Provisions as to motive power;
Power to generate electricity;
Power to repair and reconstruct tramways;
Power to attach conductors wires &c.;

shall not except with the consent in writing of the Darwen Corporation extend or apply to any part of the tramway undertaking within the borough of Darwen : A.D. 1898.

(2.) In the event of the Darwen Corporation exercising the powers conferred upon them by section 61 of the Blackburn and Over Darwen Tramways Act 1879 of purchasing so much of the undertaking by that Act authorised as lies within the borough of Darwen and in the event of the Darwen Corporation at any time hereafter obtaining powers to place and run carriages with flanged wheels on any tramway within the borough of Darwen having a physical junction with any tramways now belonging to the Blackburn and Over Darwen Tramways Company the following provisions shall (subject and without prejudice to the rights of the Blackburn and Over Darwen Tramways Company under that section) have effect (that is to say) The provisions of section 59 of the said Act of 1879 shall subject to the provisions of that section be read and have effect so as to authorise the Darwen Corporation as well as any licencees of the Darwen Corporation to run carriages with flanged wheels over and upon the tramways referred to in that section in respect of which the Darwen Corporation are by that section authorised to grant licences.

For protection of Blackburn and Over Darwen Tramways Company.

51. For the protection of the Blackburn and Over Darwen Tramways Company (in this section called "the company") the following provisions shall have effect (that is to say) :—

(1.) Where any of the tramways cross on the level any existing tramway of the company the Corporation shall give seven days' notice in writing to the company of their intention to commence any works which may affect or in anywise interfere with the structural works of the company's tramways and all such crossings shall be made to the reasonable satisfaction of the engineer of the company in accordance with detailed plans and sections submitted to and reasonably approved by him and at the cost in all respects of the Corporation and so as to interfere as little as possible with the traffic passing over or along the Company's tramways :

(2.) The tramway undertaking shall not nor shall any part of it be so worked or used as to cause any interruption or impediment to the traffic on the company's tramways or the use thereof and particularly (but without prejudice to the generality of this provision) no carriage used on the tramway undertaking shall be permitted to cross any of the company's

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tramways while any carriage is passing or about to pass over or along such tramway at or near any such crossing as aforesaid and with the object of preventing accidents the carriages running on any of the tramways included in the tramway undertaking shall stop immediately before crossing the company's tramways at any point:

(3.) The provisions contained in the sections of this Act of which the marginal notes are—

Power to alter level of rails;

Passing places to be constructed where less than a certain width left between footway and tramway;

Byelaws; and

Recovery of penalties;

shall not nor shall any or either of them (except with the consent in writing of the company) operate with respect to or extend or apply to any part of the company's tramways or works so long as such tramways or works shall remain the property of or be worked by the company:

(4.) In no event shall the Corporation place or run any car or other vehicle propelled by any motive power (animal power excepted) other than that for the time being in use by the company on any tramway of the company so long as such tramway shall remain the property of or be worked by the company:

(5.) The Corporation shall not be entitled to in any way physically interfere with or alter any tramway or work of the company except so far as may be necessary for constructing any crossing by this Act authorised and then subject in all respects to the provisions of Part I. of this section:

(6.) Nothing in this Act contained shall authorise the Corporation to acquire compulsorily any tramway works land building or other property or effect of the company:

(7.) If any difference arises between the Corporation and the company with respect to any of the provisions of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Extending s. 97 of Act of 1882 as to purchase by urban district councils of

52. In the event of the urban district councils of Church and Oswaldtwistle or either of them exercising the powers of purchasing the tramways constructed by the Corporation within their respective districts the provisions of section 97 (For protection of the local boards of Church and Oswaldtwistle) of the Act of 1882 subsection K shall as from the passing of this Act

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be read and have effect so as to authorise the Corporation as well as any licencee of the Corporation to run carriages with flanged wheels upon and over the rails of any tramway within the respective districts of the said urban district councils having a physical connexion with any tramway belonging to the Corporation or over which the Corporation shall have the right to run carriages and the provisions of the said sub-section as to the exercise of the powers thereby conferred by the licencees of the Corporation shall apply to the Corporation.

Church and Oswaldtwistle of tramways within their districts.

53. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation (which expression in this section shall include any local authority by whom the powers of this Act may be exercised) and the company be observed and have effect (that is to say) :—

For protection of Lancashire and Yorkshire Railway Company in respect of tramways.

(1.) In repairing altering or reconstructing the tramway undertaking or any part thereof under the powers of this Act or in constructing and maintaining any pipes and excavations under the tramways forming part of the tramway undertaking in order to lay use or maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using and maintaining any such wire ropes or cables or apparatus in any place where such tramways cross any bridge carrying any road over a railway of the company the following provisions shall be in force and have effect and be binding upon the Corporation and their assigns :—

(A.) The Corporation shall not (except with the consent in writing of the company) in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so repair alter or reconstruct the said tramway undertaking and shall so construct lay and maintain such pipes excavations ropes cables and apparatus over such bridge and the approaches thereto as not injuriously to affect the structure thereof ;

(B.) In the event of any injury being caused to the structure of any such bridge or approaches by such repair alteration or reconstruction or by the construction maintenance laying repairing user or removal of such pipes excavations ropes cables and apparatus the company may at the expense of the Corporation restore

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such bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the company may recover from the Corporation all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable ;

(c.) All works which may be necessary in repairing altering or reconstructing the tramway undertaking or in constructing laying and maintaining any of the said pipes excavations ropes cables or apparatus over any bridge works or other property of the company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Corporation :

(2.) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the company may find it to

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be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto:

(3.) All differences that may arise between the Corporation and the company touching anything to be done or omitted to be done or not to be done or the reasonableness of any charges or in any manner in connexion with this section shall be settled by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 and such lastly mentioned section shall apply to all differences arising between the Corporation and the company touching all matters and things done or omitted to be done or not to be done by either the Corporation or the company under the provisions of this section.

PART III.—SEWERS.

Power to make new main conduit or pipes.

54. Subject to the provisions of this Act the Corporation may make maintain and use in the lines and situations and according to the levels shown on the deposited plans and sections the works herein-after described with all proper works and conveniences connected therewith respectively and may enter upon purchase take and use such of the lands delineated on the deposited plans and described in the deposited book of reference or any of them as may be required for that purpose:

The works herein-before referred to and authorised by this Act are the following:—

A main conduit or pipes three miles nine hundred and seventy-seven yards or thereabouts in length commencing in the Preston New Road at Billinge End and terminating by a junction with the existing sewer of the Corporation on their sewage works at Samlesbury.

Corporation may acquire easement only in certain lands.

55. The Corporation may in lieu of acquiring any lands in the county of Lancaster acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the works for main sewage conduits by this Act authorised and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Consolidation Act 1845 inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as

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fully as if the same were lands within the meaning of such Act Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso.

Vertical deviation.

56. Whereas the said conduits and works run through lands of such a conformation that any lateral deviation from the lines as shown upon the deposited plans may necessitate a vertical deviation of a great extent and it may be advisable to accommodate landowners by making such lateral deviation Therefore whenever any such lateral deviation is made to accommodate any landowner then in the construction of any of the said works the extent to which the Corporation may deviate vertically from the level thereof as shown on the deposited sections shall be any extent not exceeding five feet Provided that the Corporation shall make compensation to all parties interested for any damage sustained by them by reason of any deviation under the powers of this section.

Lateral deviation.

57. Where the line of any works as shown upon the deposited plans passes along any highway or other road bridge or street and no limits of lateral deviation are shown on the deposited plans the Corporation may in making the works deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such highways or other roads bridges or streets respectively.

Time for completion of works.

58. The works by this part of this Act authorised shall be completed within five years from the passing of this Act and if the same shall not be completed within that period then on the expiration thereof the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

PART IV.—NEW STREET AND STREET IMPROVEMENTS.

Power to make street works.

59. Subject to the provisions of this part of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown upon the deposited plans and described

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in the deposited book of reference and according to the levels shown on the deposited sections the following new street and street improvements (that is to say) :—

(1.) A street or road commencing by a junction with Beech Street and terminating by a junction with Whalley Old Road :

(2.) An alteration and improvement of the level of the roadway of Queen's Terrace :

(3.) A new road parallel with the present roadway of Queen's Terrace from New Chapel Street to Canal Street :

(4.) A new street from the south end of Queen's Terrace to King's Bridge :

(5.) To alter the level of and if necessary take down and reconstruct widen and improve King's Bridge :

(6.) To widen alter and improve King's Bridge Street from King's Bridge for 25 yards in a south-westerly direction :

(7.) To alter the level of take down reconstruct widen and improve the bridge carrying Moorgate Street over the Leeds and Liverpool Canal :

(8.) To widen alter and improve Stanley Street between Polly Street and Appleby Street.

For protection of Lancashire County Council.

60. For the protection of the county council of the county palatine of Lancaster (in this section referred to as "the county council") the following provisions shall apply and have effect (that is to say) :—

(1.) Nothing in this Act contained shall tend to lessen or control any right power or authority now vested in the county council for altering amending or diverting any main road repairable by the inhabitants of the said county which may be affected by the works of the Corporation but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the said county council shall not be liable to make any compensation whatever for any damage or injury to the works of the Corporation by the altering amending or diverting any main road or any portion or portions thereof Provided that in altering amending or diverting any main road or any part thereof nothing shall be done to impede or interfere with the said works for any greater length of time than shall be necessary for the execution of the works of alteration amendment and diversion and before commencing such alteration amendment or diversion ten days notice shall be given to the Corporation by

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the said county council and the said county council shall afford to the Corporation all necessary and reasonable temporary facilities for enabling them to continue the works by this Act authorised during such alteration amendment or diversion :

(2.) The Corporation shall on demand pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road upon which the conduit or line of pipes is laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said conduit or line of pipes or any part or parts thereof and in case of any dispute as to the amount of such costs the sum shall be assessed by an independent surveyor to be agreed on by both parties or to be appointed on the application of either party by the Board of Trade Provided nevertheless that such repairs and reinstatement may on the request of the Corporation and with the consent of the county council be executed by the Corporation :

(3.) The Corporation shall carry out their works of sewering in under or upon the main road between Blackburn and Preston in accordance with the plans and sections signed in triplicate by the Chairman of the Committee of the House of Commons to which this Act as a Bill was referred and a copy of such plans and sections shall be deposited forthwith on the passing of this Act in the Private Bill Office of the House of Commons with the clerk of the peace for the county of Lancaster at the county offices Preston and with the town clerk at the town hall of Blackburn respectively :

(4.) Any paving metalling or material excavated by the Corporation in the construction of the works from any main road may be applied by the Corporation so far as may be necessary in or towards the reinstating of such road and the Corporation shall if so required by the county council deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the county council or to such person or persons as he may appoint to receive the same at such place or places to be appointed by such surveyor not being further distant than one mile from the place where such surplus paving metalling or material may at the time of the making of such requirements by the county council be lying Provided that if within seven days after the setting aside of the surplus

arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they think fit:

(5.) The Corporation shall maintain the parts of any main road affected by the works by this Act authorised for such period (not being less than twelve months from the date of the efficient restoration thereof) as there shall be any subsidence in the surface thereof:

(6.) All works affecting any main road shall be executed under the superintendence and to the reasonable satisfaction of the county surveyor and the reasonable cost of such superintendence and of the inspection approval or disapproval of plans sections and specifications as aforesaid shall be paid by the Corporation to the county council:

(7.) If any difference arises between the county council and the Corporation touching anything to be or not to be done under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade.

For protection of Lancashire and Yorkshire Railway Company in respect of street works.

61. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall be observed and have effect with respect to the construction of the street or road between Beech Street and Whalley Road (in this section called "the new street") and the widening alteration and improvement of Stanley Street (in this section called "the street widening") by this Act respectively authorised (that is to say):—

(1.) In constructing the new street where the same is intended to pass under the company's railway the Corporation shall construct a bridge of the full width of the railway and the Corporation shall if and when at any time hereafter the company require to widen their said railway on either side thereof permit the company to enlarge and extend the said bridge so as to admit of the said widening being constructed over the new street at the same level as the existing railway and such extension or enlargement as well as the said bridge shall be constructed subject to and in accordance with the provisions of this section and the upper surface of the floor of such bridge and any extension thereof shall be at a uniform level of two feet at least below the level of the existing rails

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on the said railway at the point of crossing and the new street shall be constructed at such level as to admit of the provisions of this subsection being complied with and the Corporation shall repay to the company such costs as they shall incur in carrying out such widening beyond the cost which would have been thereby borne by the company if such street had not been constructed :

(2.) The Corporation shall construct the new street and the street widening where the same will pass under the company's railway and all the works both temporary and permanent necessary and incident to such construction so far as they affect the property and works of the company in accordance with the provisions of this section and according to such plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved in writing by the principal engineer of the company and the Corporation shall not commence the construction of the said works or enter upon or interfere with any land works or property belonging to or used by the company until such plans sections or specifications have been so submitted and approved Provided that the said principal engineer shall approve or disapprove such plans sections or specifications within one month from the submission thereof otherwise such plans shall be deemed to have been approved by him Provided always that in case the said principal engineer shall disapprove of such plans and specifications then if the Corporation and the company fail for the space of one month after such disapproval to agree upon such plans and specifications the same shall be settled by an engineer to be nominated or appointed in manner herein-after provided :

(3.) If the company shall for the purpose of widening their said railway as aforesaid require to enlarge and extend the said bridge so as to admit of the said widening being constructed over the said new street as aforesaid the works both temporary and permanent necessary and incident to such enlargement and extension shall be carried out by the company according to such plans sections and specifications and shall be of such quality and strength of materials as shall be previously submitted to and approved by the surveyor and the provisions of the last preceding subsection shall apply mutatis mutandis to the works plans sections and specifications referred to in this subsection as if the words

the surveyor had been used therein in place of the words the principal engineer of the company and principal engineer and as if the word corporation had been used therein in place of the word company and the word company in place of the word corporation wherever such words respectively occur:

(4.) The new street and the street widening and all works necessary or incident to the construction thereof so far as the same affect the property or works of the company shall subject as herein-after provided be executed by and in all things at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the said principal engineer and the enlargement and extension of the said bridge and all works necessary or incident thereto shall be executed by the company and under the superintendence and to the reasonable satisfaction of the surveyor:

(5.) The Corporation and the company may contract for the carrying out and construction of all works for the said new street and street widening by the company so far as they pass under the railway of the company on such terms and conditions as may be mutually agreed between them:

(6.) The Corporation shall not (except with the previous consent of the company under their common seal) purchase or acquire any lands or property of the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands of the company as may be necessary for the construction of the new street and the street widening in accordance with the provisions of this section:

(7.) During the construction of the new street and the street widening across and adjoining or affecting the railways property and works of the company the Corporation shall bear and on demand pay to the company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the company for watching their railways property and works with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employment of the Corporation or their contractors with reference thereto or otherwise:

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(8.) The Corporation shall at all times maintain the bridges and other works connected therewith and incident thereto by which the new street and the street widening shall be carried under or shall adjoin the railways works and lands of the company (including the bridge to carry the widening of the railway when constructed over the new street) in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Corporation fail so to do the company may make and do in and upon as well the lands of the Corporation as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the reasonable amount of such expenditure shall be repaid to the company by the Corporation :

(9.) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the company all costs losses damages and expenses which may be occasioned to the company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the bridges and other works by which the said new street and the street widening shall be carried under or shall adjoin the railways works and lands of the company and the works in connexion therewith or of any act or default of the Corporation or their contractors or of any of the persons in the employ of the Corporation or of their contractors or others and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission :

(10.) If any difference shall arise between the respective engineers of the Corporation and the company as to the reasonableness of the said plans sections specifications or materials or as to anything to be done or not to be done under the provisions of this section or as to the amount of any cost damages or expenses to be paid by the one to the other such difference shall be referred to and be determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the president of the Institution of Civil Engineers on the application of the Corporation or the company :

(11.) The Corporation and the company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

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For protection of Leeds and Liverpool Canal Company.

62. For the protection and benefit of the Leeds and Liverpool Canal Company (in this section called "the canal company") the following provisions shall have effect (to wit) :—

(1.) The Corporation in forming laying down working using and maintaining Tramway No. 5 by this Act authorised shall not under any circumstances decrease the height of the arch of the bridge by which Lower Audley Street is carried over the canal and towing-path of the canal company or diminish the waterway under such archway :

(2.)—(*a.*) The Corporation shall carry out the works for alteration of the level of taking down reconstruction widening or improvement of King's Bridge and Moorgate Fold Bridge respectively or either of them across the canal towing-path works and lands of the canal company in accordance with the plans and sections signed in triplicate by the Chairman of the Committee of the House of Commons to which this Act as a Bill was referred and a copy of such plans and sections shall be deposited forthwith on the passing of this Act in the Private Bill Office of the House of Commons and with the canal company at their office at Liverpool and with the town clerk at the town hall Blackburn respectively ;

(*b.*) In reconstructing widening or improving the said bridges respectively or either of them across the canal towing-path works and lands of the canal company the Corporation shall not deviate from the position or from the levels of or mode of carrying out such reconstruction widening or improvement of the said bridges respectively as shown on the plans and sections so signed and deposited as aforesaid ;

(*c.*) The Corporation shall not otherwise than by agreement purchase or take any land of the canal company but the Corporation may purchase and take and the canal company may and shall sell and grant accordingly easements or rights of using the land required for the reconstruction or widening of the said bridges respectively for a width of roadway not exceeding the existing width of King's Bridge Street and Moorgate Street respectively ;

(*d.*) Any works over the canal towing-path works and lands of the canal company and any approaches thereto shall be carried over the same by means of good and substantial bridges of brick stone iron or steel to be constructed by the Corporation at their own expense ;

(*e.*) The bridges shall be constructed with perpendicular piers or abutments with only one opening or span of a width of not less than forty feet so as to allow the waterway and towing-path under the bridges respectively to be widened

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by the canal company to that width and the clear height of the under side of the beams or girders of the bridges above the top-water level of the canal shall not be less than eleven feet in the centre thereof and not less than ten feet six inches at the piers or abutments ;

(*f.*) The space between the piers or abutments of the bridges (except so much thereof as the towing-path will occupy) shall at all times after the completion of the bridges (except during necessary repairs or reconstruction) be left and preserved an open and uninterrupted navigable waterway ;

(*g.*) The Corporation shall at their own expense maintain the bridges and the works thereof of the height and width and so constructed as aforesaid and in perfect repair at all times and the cost of such maintenance shall be paid as to one third thereof by the canal company and as to two thirds thereof by the Corporation who may recover from the canal company all sums from time to time payable by the canal company in respect of such maintenance but such contribution by the canal company shall not include or be deemed to include any portion of the cost of paving repairing or maintaining the surface of the roadway over the said bridges and the approaches to the same :

(3.) If and whenever the height of the under side of the beams or girders of King's and Moorgate Fold Bridges respectively shall by subsidence of the ground be lowered below the height herein-before prescribed then the Corporation shall at their own expense restore the same to the height herein-before prescribed as soon as reasonably may be Provided always that this clause shall not extend so as to make the Corporation liable for the expense of restoring any subsidence of the the said bridges caused by any works or acts of the canal company :

(4.) The Corporation shall make good all damage that may be occasioned to the works or property of the canal company by the construction renewal or want of repair of any of the works of the Corporation or by any such subsidence as aforesaid ; but

(*a.*) in every case of pressing necessity ; and

(*b.*) in every other case if for seven days after notice in writing thereof given to the Corporation by the canal company the Corporation neglect to proceed with due diligence to make good such damage ;

the canal company may if they think fit make good the damage and the amount expended by them in so doing shall be repaid to them by the Corporation :

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(5.) If and whenever by any act or omission of the Corporation any part of the canal or towing-path shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Corporation shall pay to the canal company as or by way of ascertained damages the sum of two hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day :

(6.) Provided that nothing in this Act contained shall prevent the canal company or any owner of boats or barges from recovering from the Corporation (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the canal company or such owner in consequence of the stoppage or hindrance to the traffic upon the canal or in consequence of the works to be executed by the Corporation or by the canal company for the Corporation under the provisions herein-before contained or by reason of any such subsidence as aforesaid or on account of any other act or omission of the Corporation :

(7.) All questions and differences which may at any time arise between the Corporation and the canal company as to the construction or effect of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall be determined by an arbitrator to be appointed in case of disagreement by the Board of Trade :

(8.) Nothing in this section contained shall affect the option given to the canal company by the provisions conditions and stipulations mentioned or referred to in section 73 of the Leeds and Liverpool Canal Act 1891 to purchase and make compensation or to agree to purchase and make compensation for any minerals nor shall their omission or unwillingness to purchase or make compensation for minerals be or be deemed to be a neglect or default by them.

Power to Corporation and Lancashire and Yorkshire Railway Company to widen and improve bridges.

63. The Corporation and the Lancashire and Yorkshire Railway Company may enter into and carry into effect agreements for altering widening and improving the following bridges under the railway of that company or any of them (that is to say) :—

(1.) The bridge carrying the said railway over Galligreaves Street :

(2.) The bridges carrying the said railway over Stanley Street :

(3.) The bridge carrying the railway over Albert Street.

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For protection of London and North Western Railway Company.

64. For the protection of the London and North Western Railway Company (herein-after referred to as "the North Western Company") the following provisions shall apply and have effect:—

In altering widening and improving the bridge carrying the Lancashire and Yorkshire Railway over Galligreaves Street the Corporation shall not do or permit to be done anything either by steepening the gradients of such street or otherwise which may render the access to and from the North Western Company's goods yard in such street less convenient than at present.

Period for completion of works.

65. The works authorised by this part of this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing those works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed Provided that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works as is then completed.

Limits of lateral and vertical deviation.

66. Subject to the provisions of this part of this Act the Corporation in the construction of the new street and street improvements by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and where in any street no such limits are shown the boundaries of such street shall be deemed to be such limits and they may deviate vertically from the limits shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Power to make subsidiary works.

67. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street improvements authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said new street and street improvements and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said new street and street improvements or of crossing under or over the same or otherwise and may alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer channel void ground or other

property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer Provided that the provisions of section 308 of the Public Health Act 1875 (Compensation in case of damage by local authority) shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps areas pipes &c.

68. The Corporation within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and channels pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to set out carriageway and footway.

69. The Corporation may cause such part of the streets improved by them under the provisions of this part of this Act to be laid out for a carriageway and footway respectively as they think proper.

Power to sell materials.

70. The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this part of this Act.

Lands laid into new streets to be public highways.

71. The sites of all houses and all lands purchased by the Corporation under the powers of this part of this Act and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained repaired and kept in order.

PART V.—LANDS.

Compulsory purchase of lands.

72. Subject to the provisions of this Act the Corporation may enter upon take and use compulsorily or by agreement all or any of the lands shown on the deposited plans and described in

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the deposited book of reference as they may require for the purposes of the works by this Act authorised and as regards the said new street and street improvements for the purpose of securing sites for the erection of suitable houses and buildings adjoining thereto.

Period for compulsory purchase of lands.

73. The powers of the Corporation for the compulsory purchase of lands easements or rights for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to appropriate lands for purposes of Act.

74. Subject to the provisions of this Act the Corporation may with the sanction of the Local Government Board appropriate and use for any of the purposes of this Act or the Local Acts or any other authority under which they are authorised to acquire lands any lands from time to time belonging to them as part of their corporate estate or vested in them as a sanitary authority and which are not required for the purposes for which the same were acquired.

Additional lands by agreement.

75. The Corporation may (in addition to any lands they are authorised to acquire and hold under the powers of this Act) acquire any lands necessary for all or any of the purposes of this Act or the Local Acts or any of them by agreement either in fee simple by purchase or by way of exchange or on lease for a term of which five hundred years at the least shall remain unexpired Provided that the Corporation shall not create or permit a nuisance on any such lands.

Consideration for such acquisition.

76. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Correction of errors &c. in deposited plans and book of reference.

77. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices (not being members of the council) for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from a mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respects any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace

for the county of Lancaster and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract shall be given when required under his hand to any person interested) shall be conclusive evidence of such correction.

Purchase of easements.

78. The Corporation may but (save as regards the sewer by this Act authorised) by agreement only purchase any right to take any easement (not being an easement or privilege of water in which persons other than the grantors have an interest) which they may require for the purposes of this Act and for the purpose of every such purchase the term "lands" in the Lands Clauses Acts shall be deemed to include "easements."

Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.

79. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of the Lands Clauses Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement of water in which persons other than the grantors have an interest) required by the Corporation for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

As to surplus lands.

80. The provisions of sections 188 (Power to lease surplus lands) 189 (As to sale of ground rents) 190 (Corporation may sell land &c. in the first instance without having previously granted a lease thereof) 191 (Corporation may grant a lease &c. of lands) 192 (Receipts of Corporation to be effectual discharges) 193 (Application of moneys from sale &c. of lands) and 196 (Lands sold to be free from consolidated stock &c.) of the Act of 1882 shall apply to any lands acquired by the Corporation for the purposes of this Act and not required for the purposes for which such lands were acquired and section 193 of the Act of 1882 shall for the purposes of this Act be read

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and have effect as if the words "herein-after constituted" were omitted therefrom in the last line thereof Provided that all moneys applicable under that section shall be subject to the provisions contained in the proviso to subsection (2) of article 24 of the Order of 1897.

Restrictions on displacing persons of labouring class.

81. —(1.) The Corporation shall not under the powers by this Act or of the Act of 1885 with reference to the Brennand and Whitendale Reservoirs as extended by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may

have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire:

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7.) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8.) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section

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and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9.) For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART VI.—MISCELLANEOUS.

Persons not to connect or disconnect gas meters without giving notice.

82. No person shall at any time after the passing of this Act connect any meter with or disconnect any meter from any gas pipe belonging to the Corporation whether gas is actually being used through such pipe or meter or not without giving to the gas engineer twenty-four hours' notice in writing at least of his desire so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Extension of time for construction of Brennand and Whitendale Reservoirs.

83. The time limited by section 13 of the Act of 1885 for the construction of the Brennand Reservoir and the Whitendale Reservoir and the other works authorised by the Act of 1877 is hereby extended Provided that if the said reservoirs and works are not completed within twenty years from the passing of this Act then on the expiration of that period the powers granted by the Act of 1877 to the Corporation for making the said respective reservoir and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed Provided that subject to the provisions of the Act of 1877 and of this Act the Corporation may from time to time alter enlarge extend or remove their tanks gauges gauge basins engines machinery wells mains pipes and other works or improve their water supply in such way or manner as occasion requires.

Penalties on unregistered common lodging-house keepers.

84. Every person who shall without being registered in accordance with the provisions of section 77 of the Public Health Act 1875 keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds

and a daily penalty not exceeding forty shillings and every such penalty may be recovered by the Corporation in a summary manner. A.D. 1898.

Power to refuse registration of common lodging-housekeeper.

85. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied as to the character and fitness for the position of the person applying to be so registered Any person aggrieved by the refusal of the Corporation to register such person in pursuance of the provisions of this section may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court may make such order in the matter as they may deem just and may award costs such costs to be recoverable in like manner as a penalty under this Act.

Alteration of section 39 of Act of 1882 as to penalties for non-consumption of smoke.

86. Subsection (4) of section 39 (Penalties for non-consumption of smoke) of the Act of 1882 is hereby repealed and the following provision shall as from the passing of this Act have effect (namely) Except in such cases as the Corporation may consent to a less height and give their consent in writing stating the height such chimney or chimneys shall be erected no chimney to carry off the smoke arising from any fireplace or furnace employed after the passing of this Act in the working of engines by steam or in any building used for the purpose of trade or manufacture or public baths or public washhouses (although a steam engine is not used or employed therein) shall be constructed of less height than thirty yards and all the spent or ejected steam arising or produced in any premises used for any trade or manufacture or for public baths or public washhouses shall be discharged into the chimney flue or some similar receptacle so as not to be an annoyance to the public and every person who shall act in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding forty shillings for every day such offence shall continue Provided that every person aggrieved by the withholding of any such consent by the Corporation or by any order conviction or determination of any court of summary jurisdiction under this section shall have the same right of appeal as is given by section 254 of the Act of 1882.

Privies and cesspools.

87. Every person who shall act in contravention of the provisions of section 126 of the Act of 1882 shall be liable to a penalty not exceeding five pounds for every such offence and to

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a daily penalty not exceeding forty shillings for every day that such offence shall continue.

Sky signs.

88.—(1.) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed:

Provided that in any of the following cases a licence of the Corporation under this subsection shall become void namely:—

(i.) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;

(ii.) If any change be made in the sky sign or any part thereof;

(iii.) If the sky sign or any part thereof fall either through accident decay or any other cause; or

(iv.) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section sixty-nine of the Towns Improvement Clauses Act 1847.

(2.) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Restriction on advertising hoardings &c.

89.—(1.) Every hoarding or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street or public road shall be securely erected to the satisfaction of the Corporation.

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(2.) It shall not be lawful after the commencement of this Act to erect any hoarding or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding as the Corporation may determine.

(3.) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and if any papers affixed for advertising purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

(4.) This section shall not apply to any hoarding or similar structure affixed to any railway station and used for the purpose of any railway company nor to any other hoardings erected by a railway company or any person acting under licence or authority of any railway company abutting upon a public road or street to a height not exceeding twenty feet above the level of such public road or street.

(5.) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(6.) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

As to approval of plans.

90. Notwithstanding anything contained in sections 102 and 103 of the Act of 1882 the approval of the Corporation of any plan of new buildings streets or roads shall be null and void if the execution of the work specified in such plan be not commenced and bonâ fide proceeded with within the following periods:

The periods above referred to are as foliows:

As to plans approved after the passing of this Act within two years from the date of such approval; and

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As to plans approved before the passing of this Act within one year from the passing of this Act :

And at the expiration of those respective periods fresh notice deposits and approval shall unless the Corporation otherwise determine be requisite.

The Corporation shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

Recovery of penalties.

91. Every penalty imposed by this Act the recovery of which is not otherwise provided for may be recovered by summary proceedings.

Recovery of demands under fifty pounds.

92. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

PART VII.—FINANCIAL AND BORROWING POWERS.

Provisions as to existing debt.

93. And whereas the Corporation have from time to time under statutory authority or the sanction of Government departments borrowed by means of the issue of redeemable stock mortgages mortgage debenture bonds and other statutory instruments large sums the particulars whereof are contained in the First Schedule to this Act which sums are repayable within different periods and it is expedient to equate the periods of repayment of the sums owing in respect of each debt :

Therefore the following provisions shall have effect (namely):—

From and after the date of the commencement of this Act the following provisions of the Local Acts (namely) :—

Act of 1870 sections 93 94 and 96 ;

Act of 1877 sections 120 121 and 124 ;

Act of 1879 sections 51 and 52 ;

Act of 1882 sections 274 and 288 ;

Order of 1889 articles IV. V. VI. VII. VIII. IX. X. XI. ;

Order of 1890 articles II. and III. ;

Act of 1892 section 57 so far as the provisions of the Act of 1882 (with reference to loans authorised to be raised thereunder) hereby repealed are applied to the Act of 1892 ;

Order of 1894 articles II. III. IV. V. VI. VII. IX. X. ;

Order of 1897 article XXII. ;

shall be wholly repealed except so far as such provisions prescribe or enable the Local Government Board to prescribe the periods for the repayment of moneys to be hereafter borrowed under the powers of borrowing conferred by the Local Acts and except so far as such provisions may have been acted upon and except so far as such provisions relate to the waterworks debt and the unexercised borrowing powers of the Corporation under the Local Acts.

Equated period for repayment of existing mortgage debt.

94.—(1.) The sums mentioned in column 6 of Parts I. to VI. inclusive of the First Schedule to this Act shall be repaid within the periods mentioned in column 12 of such parts respectively and such periods shall in the event of the said sums or any part thereof respectively being converted into or paid off by means of corporation stock be deemed to be the periods within which under the statutory borrowing powers the money represented by corporation stock is to be repaid.

Equated period for redemption of stock.

(2.) Provision shall be made for the purchase or redemption of the amounts of stock mentioned in column 7 of Parts I. to VI. inclusive of the First Schedule to this Act within the periods mentioned in column 12 of such parts respectively and such periods shall be deemed to be the periods within which under the statutory borrowing power the money represented by the said amounts of stock respectively is to be repaid.

Provisions as to future sinking funds.

95.—(1.) In order to provide for the repayment of the sums mentioned in column 6 of Parts I. to VI. inclusive of the First Schedule to this Act but subject to the provisions of the Local Acts in regard to payments for redemption of Corporation Stock being made to the Loans Funds established under the Local Acts there shall be six sinking funds which shall hereafter be known and named under the titles set forth in column 1 of the First Schedule to this Act and each of such sinking funds shall be applicable and have reference to the sums set forth in column 6 of each part of the First Schedule to this Act opposite to the names of each of such sinking funds respectively and the Corporation shall annually pay out of the prescribed sources into those sinking funds such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to provide for the repayment of the whole of those sums within the periods of years respectively prescribed by this Act.

(2.) The prescribed sources shall be as follows (that is to say) :—

In the case of the gasworks debt the revenue of the gasworks undertaking and the general district fund and rate :

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In the case of all other debts any moneys applicable in that behalf under this or any other Act of Parliament or any Order confirmed by Act of Parliament or any sanction of a Government department under the Public Health Act.

(3.) The first annual payment into each of the sinking funds shall be made on or before the twenty-fifth day of March one thousand eight hundred and ninety-nine and the subsequent annual payments on or before the twenty-fifth day of March in each succeeding year.

(4.) Every sum paid to each of the sinking funds prescribed by this Act and the interest on the investments of each of the sinking funds shall unless applied in repayment of the sums specified in column 6 of the First Schedule to this Act be immediately invested in securities authorised by article XIV. of the Order of 1897.

(5.) As regards each of the sinking funds the Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of any of the sums for the repayment of which the fund is formed as aforesaid :

Provided that the Corporation shall pay into the sinking fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum on which the annual payment to the sinking fund is based.

(6.) If and so often as the income of any of the sinking funds is not equal to the income which would be derived from the amounts invested if the same were invested at the rate per centum per annum on which the equal annual payments to the sinking funds are based any deficiency shall be made good by the Corporation.

(7.) If and so often as the income of any of the sinking funds is in excess of the income which would be derived from the amounts invested if the same were respectively invested at the rate per centum per annum on which the equal annual payments to the sinking funds are based any such excess may be applied towards such equal annual payments.

Sums in existing sinking funds to be carried to sinking funds under this Act.

96. All sums and investments which on the twenty-fifth day of March one thousand eight hundred and ninety-eight were or should be standing to the credit of any sinking fund then existing or which should then exist for the repayment of any moneys the repayment of which is prescribed by this part of this Act shall be carried to the respective and appropriate

sinking funds established by this Act for the repayment of the sums mentioned in column 6 of Parts I. to VI. inclusive of the First Schedule to this Act and credit shall be given for those sums in estimating the sums by this Act required to be paid into each of the said funds respectively.

Power to borrow.

97. The Corporation may from time to time in addition to any moneys they are now authorised to borrow borrow at interest on the following securities and for the following purposes such moneys as they may from time to time think requisite for those respective purposes not exceeding the following sums each of such sums or such part thereof respectively as may from time to time be borrowed to be repaid from time to time within the periods from which the same or any part thereof shall have been borrowed set opposite to the same respectively in this section (that is to say) :—

(1.) On the security of the borough fund and borough rate—

For new municipal offices and alterations to the town hall twelve thousand pounds forty years :

(2.) On the security of the general district fund and general district rate—

(a) For works of sewering ten thousand pounds forty years ;

(b) For works of sewage disposal fifty thousand pounds forty years ;

(c) Purchase of land for and laying out of recreation grounds twelve thousand pounds twenty-five years ;

(d) For new street and street improvements new bridges and alterations to bridges including the purchase of the necessary lands thirty-five thousand pounds forty years ;

(e) For permanent wood paving in the streets set forth in the Second Schedule to this Act twelve thousand four hundred pounds twenty years ;

(f) For purchasing the undertaking and payment of the existing debenture debt of the Blackburn Corporation Tramways Company Limited eighty-seven thousand pounds thirty years ;

(g) For tramway extensions and conversion of present tramways to the electric system electric cars equipment &c. one hundred thousand pounds twenty years :

(3.) For the costs of this Act on the security of the borough fund borough rate general district fund and general district rate or any of them such sum as is necessary for the purpose five years :

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And with the consent of the Local Government Board such further sums as the Corporation may require for any of the purposes of this Act and any moneys borrowed with the sanction of the Local Government Board shall be repaid within such period not exceeding sixty years as that Board may allow.

Sinking fund for moneys borrowed for waterworks and hereafter to be borrowed.

98.—(1.) The Corporation shall repay any moneys heretofore borrowed and now outstanding on mortgage or debentures for waterworks purposes and also any moneys borrowed after the twenty-fifth day of March one thousand eight hundred and ninety-eight by virtue of the powers of borrowing conferred by the Local Acts or this Act or any Public Act or Acts for the time being in force or any sanctions under those Acts or any of them (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

(2.) Subject to the provisions of the next succeeding section of this Act if the Corporation determine to repay by means of a sinking fund any moneys heretofore borrowed and now outstanding on mortgage or debentures for waterworks purposes and also any moneys borrowed after the twenty-fifth day of March one thousand eight hundred and ninety-eight by virtue of the Local Acts or this Act or any Public Act or Acts for the time being in force or any sanctions under those Acts or any of them such sinking fund shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund under this section and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in manner herein-after provided for the

investment of sinking funds the Corporation being at liberty from time to time to vary and transpose such investments.

(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5.) The Corporation may at any time apply the whole or any part of any sinking fund established under this section in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part of a sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(a) If and so often as the income of an accumulating sinking fund under this section is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation :

(b) If and so often as the income of an accumulating sinking fund under this section is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

Provisions as to increase and reduction of payments to sinking fund under preceding section.

99.—(1.) If it appears to the Corporation at any time that the amount in any sinking fund established under this Act with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(2.) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

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(3.) If the amount in any sinking fund established under this Act with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund established under this Act at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund established under this Act remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

(6.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

Defining "prescribed period."

100. The "prescribed period" mentioned in the two last preceding sections shall as regards moneys heretofore borrowed and now outstanding on mortgage or debentures for waterworks purposes and any moneys borrowed after the twenty-fifth day of March one thousand eight hundred and ninety-eight under the powers of borrowing conferred by the Local Acts or this Act or any Public Act or Acts for the time being in force or any sanctions under those Acts or any of them be the period fixed or to be determined under such Acts or sanctions with reference to the repayment of moneys heretofore borrowed and hereafter borrowed as aforesaid.

Local Loans Act 1875 to be available.

101. For the purpose of raising money by virtue of the powers of this Act and of the Local Acts or any Public Act or Acts for the time being in force the provisions of the Local Loans Act 1875 shall be available to the Corporation and for the purposes

aforesaid notwithstanding anything contained in the Local Loans Act 1875 the prescribed period shall be as regards the money and Corporation Stock mentioned in columns 6 and 7 of Parts I. to VI. inclusive of the First Schedule to this Act the respective periods mentioned and set forth in column 12 of Parts I. to VI. of the First Schedule to this Act and as regards all other moneys raised or to be raised under the said Acts or any of them shall be the respective periods fixed by those Acts or sanctions thereunder for the repayment of moneys borrowed or to be borrowed thereunder Provided that in respect of moneys raised as aforesaid the provisions contained in the sections of this Act whereof the marginal notes respectively are "Sinking fund for moneys borrowed for waterworks and hereafter to be borrowed" "Provisions as to increase and reduction of payments to sinking fund under preceding section" "Annual return to Local Government Board" and "As to investment of sinking &c. funds" shall apply in lieu of those contained in sections 15 and 16 of the Local Loans Act 1875.

Certain regulations of Public Health Act as to borrowing not to apply.

102. The powers of borrowing money by the Local Acts and this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Power to re-borrow.

103. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any of the moneys borrowed or to be borrowed under this Act or the Local Acts or any Public Act or Acts for the time being in force or any of the moneys shown in the First Schedule hereto as borrowed under any other Acts which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be borrowed upon the security of the same securities funds or rates and be deemed to

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form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Mode of raising money.

104. The Corporation may raise all or any moneys which they are authorised to borrow or re-borrow under the Local Acts or this Act or any Public Act or Acts for the time being in force by mortgage.

Sections 236–238 of Public Health Act to be available.

105. The following sections of the Public Health Act shall apply to all moneys borrowed or re-borrowed on mortgage under the Local Acts or this Act other than moneys borrowed under the Local Loans Act 1875 (that is to say) :—

Section 236 (Form of mortgage) section 237 (Register of mortgages) and section 238 (Transfer of mortgages).

Application of borrowed moneys.

106. All moneys from time to time borrowed by virtue of the Local Acts or this Act or any Public Act or sanctions thereunder shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Appointment of receiver.

107.—(1.) Any mortgagee of the Corporation by virtue of the Local Acts or this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court.

Annual return to Local Government Board.

108.—(1.) The treasurer shall within twenty-one days after the twenty-fifth day of March in each year if during the twelve months next preceding the said twenty-fifth day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of the Local Acts or this Act or any Public Act or Acts for the time being in force or any sanctions thereunder or in respect of any moneys raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be

prescribed by that Board and if required by that Board verified by statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund whether such instalment or annual payment or sum is required by the Local Acts or this Act or any Public Act or any sanction thereunder or by the Local Government Board in virtue thereof to be paid appropriated or set apart or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Protection of lender from inquiry.

109. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Saving of charges.

110. Nothing in this Act shall prejudicially affect any charge on any of the rates or revenues of the Corporation by way of mortgage or otherwise existing at the date of the passing of this

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Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed.

Inquiries by Local Government Board.

111.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them by or the giving of any consents under this Act or the Local Acts or any sanctions under the Public Health Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act.

(2.) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

As to investment of sinking &c. funds.

112. The provisions of article XIV. of the Order of 1897 shall apply to any sinking fund established under this Act and to any reserve fund or renewal fund created under this Act for the purposes of the tramway undertaking.

Charging gas and water loans on general district fund and general district rate.

113. Notwithstanding anything in the Act of 1882 or the Local Acts all sums owing by the Corporation at the passing of this Act or hereafter to be raised by them by borrowing or re-borrowing for the purposes of the gas and waterworks undertakings of the Corporation respectively may in addition to being charged on the revenues of those undertakings respectively be charged upon and payable out of the general district fund and general district rate.

Evidence of transfer by water annuitants.

114. Sections 130 and 132 of the Blackburn Improvement Act 1854 are hereby repealed and from and after the passing of this Act section 320 of the Act of 1882 shall apply to the evidence to be required by the Corporation on transfer of any water annuity or water annuities.

Altering the date for filling up annual accounts for electric lighting.

115. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the Electric Lighting Undertaking of the Corporation shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the twenty-fifth day of March next preceding and section 9 of the

Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Corporation as if the twenty-fourth day of June and the twenty-fifth day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December. A.D. 1898.

Discount on electric lighting and power accounts.

116. The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electric light or electric power or energy from every person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect should be endorsed on every demand note in respect of such charges provided that in making such allowance the Corporation shall not show any undue preference to any consumer.

Corporation not to regard trusts.

117. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Costs of Act.

118. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act (including the costs of the company of and incidental to the purchase of the undertaking and in relation to this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general district fund and rate or out of moneys borrowed under the powers of this Act.

FIRST SCHEDULE referred to

FUND.	Act or Order under which Borrowing Power conferred.		PURPOSE.	Borrowing Power sanctioned including Costs of Issue of Stock.			Borrowing Power exercised including Costs of Issue of Stock.		
(1)	(2)		(3)	(4)			(5)		
PART I.	Act.	Sec.		£	s.	d.	£	s.	d.
General District - - (Exclusive of Electric Light.)	1870	92 & 102 (*a*)	Sewage irrigation &c. -	235,387	4	3	235,387	4	3
	1879	48 (1) (*c*)	Markets - - - -	16,900	0	0	12,500	0	0
	1879	48 (1) (*a*)	Slaughterhouses and sanitary works - - -	36,800	0	0	36,800	0	0
	1879	48 (1) (*e*)	Paving rivers - - -	10,000	0	0	10,000	0	0
	1882	273 (1) (*b*)	Farm buildings - -	5,000	0	0	5,000	0	0
	1882	273 (1) (*c*)	Public baths - - -	2,000	0	0	2,000	0	0
	P.O. 1889	Sanc. March 19 1890	Main sewers and storm overflows - - -	13,978	0	0	6,000	0	0
	Do.	Sanc. Dec. 8 1894	Do. do.				7,978	0	0
	Do.	Sanc. Dec. 18 1891	Sanitary works - -	5,500	0	0	5,500	0	0
	Do.	Sanc. March 19 1890	Farm buildings - -	1,500	0	0	1,500	0	0
	Public Health Act 1875	Sanc. May 20 1891	Infectious diseases hospital	11,000	0	0	11,000	0	0
			Do. do.	3,000	0	0	3,000	0	0
			Do. do.	1,000	0	0	1,000	0	0
	Do.	Sanc. April 25 1895	Do. do.	6,500	0	0	6,500	0	0
	P.O. 1890	Sanc. May 27 1891	Street improvements -	5,500	0	0	5,500	0	0
	Do.	Sanc. May 27 1891	River bed and wall - -	2,000	0	0	2,000	0	0
	Public Health Act 1875	Sanc. Sept. 9 1893	Street improvements (impervious paving) - -	50,000	0	0	25,000	0	0
	Do.	Sanc. August 5 1897	Street improvements -	2,400	0	0	2,400	0	0
	Act 1882	273 (1) (*a*)	Do. do.	20,000	0	0	7,343	0	0
	1879	Sec. 48 (5)	Improvements in added area	*30,749	16	5	20,000	0	0
	Towns Improvement Clauses Act 1847 and Act of 1854 - - -		Main sewers - - -	66,157	0	0	66,157	0	0
				525,372	0	8	472,565	4	3
PART II.									
Borough - (Exclusive of Technical Instruction and Free Library.)	1870	Sec. 91	Town hall &c. - - -	54,604	10	2	54,604	10	2
	1882 1885	Sec. 273 Sec. 17	Tramways (cost of Act 1885) - - - -	50,000	0	0	1,700	0	0
	L. G. Act 1888	Sanc. April 27 1892	Financial adjustment with county - - -	11,448	0	0	11,448	0	0
	P.O. June 1889	Sanc. August 4 1890	Parks (Queen's) - -	17,000	0	0	17,000	0	0
	1892	Sec. 56 (1) (*a*)	Lunatic asylums (land) -	50,000	0	0	7,000	0	0
	1892	Sec. 56 (1) (*c*)	Municipal offices (extension) - - -	10,000	0	0	5,000	0	0
	1892	Sec. 56 (3)	Cost of Act (1892) - -	1,895	12	5	1,895	12	5
	1877	122 (3) & 133	Costs of Act (1877) - -	†10,019	15	7	10,019	15	7
			Do. (1877) - -						
	1877	122 (3)	District police stations -	†1,332	1	11	1,332	1	11
	1879	48 (2) (5) & 90	Firemen's dwellings and municipal offices - -	12,500	0	0	16,837	11	0
	1882	Sec. 347 (1)	Costs of Act &c. - -	(*c*) 4,337	11	0			
	1882	273 (3) 347 (1) & 356	Costs of Act (1882) - -	5,026	1	6	5,026	1	6
				228,163	12	7	131,863	12	7

* £4,250 3*s.* 7*d.* balance of borrowing power for £35,000 is included in borrowing power of £4,337 11*s.* 0*d.* (borough fund).

† Part of borrowing power for £45,000 General District Fund and Borough Fund Account (Drainage and Sewage &c.) Act of 1877.

(*a*) Exclusive of £18,410 Mortgage Debt £130 1*s.* 5*d.* still to be raised and £3,755 17*s.* 8*d.* 3 per cent. stock representing conversions of 3¼ and 4 per cent. stocks) provided for by Order of 1897.

in the foregoing Act.

Amount of Debt outstanding at 25th March 1898 including discounts on issue of Stock and Compensation paid on Conversion.				Amount in Sinking Fund in respect of Mortgages and Debentures at 25th March 1898.	Amount in Loans Fund in respect of 3 per cent. Stock at 25th March 1898.	Periods fixed by this Act in which provision is to be made for Redemption of Debt shown in Cols. 6 and 7.	Unexpired periods for repayment.
Mortgages. (6)	3 per cent. Stock. (7)	3½ per cent. Stock. (8)	4 per cent. Stock. (9)	(10)	(11)	(12)	(13)
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		Years.
(a)5,000 0 0	(a)35,854 14 0	38,978 7 3	123,200 0 0	93 10 3	888 6 2		47
12,400 0 0	—	—	—	62 14 6	—		76
36,450 0 0	—	—	—	129 1 7	—		76
10,000 0 0	—	—	—	130 3 8	—		76
4,850 0 0	—	—	—	31 1 11	—		54
2,000 0 0	—	—	—	51 6 4	—		56
3,250 0 0	—	—	—	165 15 7	—		24
7,978 0 0	—	—	—	0 0 0	—		30
4,180 0 0	—	—	—	3 19 7	—		14
1,500 0 0	—	—	—	203 18 11	—	52 years	24
10,050 0 0	—	—	—	495 0 6	—	from	24
2,850 0 0	—	—	—	10 13 0	—		44
840 0 0	—	—	—	183 12 0	—	25th March	9
6,500 0 0	—	—	—	361 18 4	—	1898.	23
5,050 0 0	—	—	—	297 15 4	—		24
2,000 0 0	—	—	—	114 13 7	—		44
25,000 0 0	—	—	—	1,888 13 11	—		18
2,400 0 0	—	—	—	0 0 0	—		50
7,343 0 0	—	—	—	0 0 0	—		60
20,000 0 0	—	—	—	0 0 0	—		80
0 0 0	(b)200 0 0	—	22,950 0 0	0 0 0	1 18 4		47
169,641 0 0	36,054 14 0	38,978 7 3	146,150 0 0	4,223 19 0	890 4 6		
(d) 16,300 19 7	41,311 4 7	(e)399 10 7	—	660 13 8	1,094 11 9		47
1,700 0 0	—	—	—	43 12 3	—		56
9,428 0 0	—	—	—	11 1 0	—		19
16,070 0 0	—	—	—	148 15 7	—		53
7,000 0 0	—	—	—	132 13 9	—	51 Years	57
4,870 0 0	—	—	—	74 19 3	—	from	37
1,900 0 0	—	—	—	48 15 1	—	25th March	56
—	11,706 13 4	—	—	—	205 9 9	1898.	65
—	1,096 13 4	—	—	—	15 14 6		
—	1,554 2 3	—	—	—	38 3 3		65
—	19,191 13 4	—	—	—	257 4 10		67
—	5,740 0 0	—	—	—	265 12 11		47
57,268 19 7	80,600 6 10	399 10 7	—	1,120 10 7	1,876 17 0		

(*b*) Issued after 25th March 1897 to replace £150 4 per cent. stock cancelled before that date and therefore not provided for by Order of 1897.

(*c*) Includes the £4,250 3*s*. 7*d*. referred to in note * and costs of issue of stock.

(*d*) Includes £2,100 stock issued after 25th March 1897 to replace £1,800 3½ per cent. stock cancelled before 25th March 1897 and therefore not provided for by Order of 1897.

(*e*) £1,350 and premiums £409 8*s*. 9*d*. to be raised by mortgages for redemption of £1,350 stock during year.

FIRST SCHEDULE—*continued.*

FUND.	Act or Order under which Borrowing Power conferred.		PURPOSE.	Borrowing Power sanctioned including Costs of Issue of Stock.	Borrowing Power exercised including Costs of Issue of Stock.
(1)	(2)		(3)	(4)	(5)
				£ s. d.	£ s. d.
PART III.					
TECHNICAL SCHOOL.	Municipal Corporations Act 1882 Local Government Act 1888 and Technical Instruction Act 1889	Sanc. June 20 1891.	Technical Instruction -	5,000 0 0	5,000 0 0
		Sanc. Feb. 7 1893.	Do. -	7,000 0 0	7,000 0 0
		Sanc. Aug. 5 1897.	Do. -	9,210 0 0	9,210 0 0
				21,210 0 0	21,210 0 0
PART IV.					
FREE LIBRARY -	1892	Sec. 56 (1) (*d*)	Free Library - - -	5,000 0 0	5,000 0 0
			Do. - - -	2,000 0 0	2,000 0 0
				7,000 0 0	7,000 0 0
PART V.					
ELECTRIC LIGHT	Public Health Act 1875 and Electric Lighting Act 1882	Sanc. Feb. 4 1897.	Electric Lighting - -	28,000 0 0	14,000 0 0
		Sanc. July 31 1894.	Do. - -	32,000 0 0	32,000 0 0
				60,000 0 0	46,000 0 0
PART VI.					
GAS - - -	Act 1879	Sec. 48 (3)	Gasworks - - - -	30,000 0 0	30,000 0 0
	P.O. 1889	Sanc. July 19 1894.	Do. - - - -	10,000 0 0	10,000 0 0
	P.O. 1894	Sanc. Sept. 14 1894.	Do. - - - -	14,000 0 0	14,000 0 0
	Do.	Do.	Do. (Mains and Meters).	3,200 0 0	3,200 0 0
	Do.	Do.	Do. - - - -	24,000 0 0	24,000 0 0
	Do.	Sanc. Feb. 11 1896.	Do. (Mains) - -	5,000 0 0	5,000 0 0
	Do.	Do.	Do. (Meters) - -	5,000 0 0	5,000 0 0
	Do.	Sanc. Feb. 18 1897.	Do. Do. - -	6,800 0 0	6,800 0 0
			Gasworks (Old Gas Mortgages).	31,870 0 0	31,870 0 0
	1877 122 (2)		Do. (Gas Bonuses) -	64,787 17 4	64,787 17 4
	1882 347 (1)		Do. Do. -		
	1877 Sch. Part IV & Sec. 123.		Do. (Gas Annuities)	495,442 1 8	495,442 1 8
	1882 347 (1)				
				690,099 19 0	690,099 19 0

First Schedule—*continued.*

Amount of Debt outstanding at 25th March 1898 including discounts on issue of Stock and Compensation paid on Conversion.				Amount in Sinking Fund in respect of Mortgages and Debentures at 25th March 1898.	Amount in Loans Fund in respect of 3 per cent. Stock at 25th March 1898.	Periods fixed by this Act in which provision is to be made for Redemption of Debt shown in Cols. 6 and 7.	Unexpired periods for repayment.
Mortgages. (6)	3 per cent. Stock. (7)	3½ per cent. Stock. (8)	4 per cent. Stock. (9)	(10)	(11)	(12)	(13)
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		Years.
4,020 0 0	—	—	—	223 12 8	—	22 years from 25th March 1898.	14
5,730 0 0	—	—	—	113 1 4	—		15
9,210 0 0	—	—	—	—	—		30
18,960 0 0	—	—	—	336 14 0	—		
4,650 0 0	—	—	—	2 1 3	—	35 years from 25th March 1898.	35
2,000 0 0	—	—	—	53 16 11	—		38
6,650 0 0	—	—	—	55 18 2	—		
14,000 0 0	—	—	—	—	—	23 years from 25th March 1898.	25
29,300 0 0	—	—	—	12 17 1	—		22
43,300 0 0	—	—	—	12 17 1	—		
29,350 0 0	—	—	—	99 18 7	—	49 years from 25th March 1898.	73
9,160 0 0	—	—	—	7 15 5	—		22
10,980 0 0	—	—	—	2,627 6 11	—		4
3,080 0 0	—	—	—	110 7 9	—		25
23,300 0 0	—	—	—	411 19 3	—		47
5,000 0 0	—	—	—	278 7 11	—		23
4,120 0 0	—	—	—	5 7 10	—		8
6,800 0 0	—	—	—	—	—		10
—	29,213 6 8	—	9,760 0 0	—	899 7 6		44
—	1,373 6 8	—	—	—	35 15 4		65
	74,220 16 11				3,228 10 0		
—	97,822 5 5	399,322 6 9	—	—	9,780 8 1		45
91,790 0 0	202,629 15 8	399,322 6 9	9,760 0 0	3,541 3 8	13,944 0 11		

A.D. 1898.

SECOND SCHEDULE referred to in the foregoing Act.

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